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Letter dated 18 June 1996 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I should like to request that the attached statement by the Permanent Representative of Cuba to the United Nations concerning further violations of the sovereignty and territorial integrity of the Republic of Cuba, publicly announced for 13 July 1996, be issued as an official document of the General Assembly, under item 140 of the agenda, and of the Security Council.

(Signed) Bruno RODRIGUEZ PARRILLA
Ambassador
Permanent Representative

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ANNEX

Statement by the Permanent Representative of Cuba to the United Nations concerning further violations of the sovereignty and territorial integrity of Cuba publicly announced for 13 July 1996

At a press conference held on 11 June in Miami, Ramón Saúl Sánchez, on behalf of the so-called "Democracy Movement", announced that on 13 July a flotilla will be setting out from Florida for the purpose of entering the territory of the Republic of Cuba. International news agencies have covered the announcement, and on 15 June the American newspaper El Nuevo Herald reported the formation of another organization called "Democracy Pilots", which will accompany the flotilla and is threatening to violate Cuban airspace.

The goals of these organizations have been described at other press conferences as "a strategy of confrontation" that "has nothing to do with pacifism, but is a struggle for power and an effective way of fighting".

They have predicted that the Cuban Government will disintegrate "when the masses flout public order, transportation functions only according to the needs of democratic forces, members of the civil service disregard orders, the police refuse to arrest dissenters and the army has gone on strike". In case any doubts remain, they explain that "this is a way of confronting the regime". They have said that their goals "demand sacrifices and we are willing to make them, even by dying in Cuba".

While this is going on, the international community hopes that the International Civil Aviation Organization (ICAO) will be able to maintain objectivity, impartiality and respect for its own procedures during and upon completion of the investigation entrusted to it by the Security Council, and requested by Cuba, into all violations of Cuban airspace and into background events and relevant facts relating to the serious and regrettable incidents of 24 February.

The international community expects ICAO to fulfil its responsibility for preventing further incidents.

It would therefore be unthinkable that ICAO and the international community would stand by and allow a repetition of those events. The many blatant incidents that have occurred in the past leave no doubt as to the danger posed by these organizations and these announcements.

On 13 July 1995 and again on 9 and 13 January 1996, among other occasions, there were violations of Cuban territory similar to the one just announced, with aircraft flying low over Havana and dropping propaganda on the population.

On each occasion, the United States authorities have been informed of events and warned of their serious consequences and have been asked to take timely, adequate and comprehensive action to forestall and prevent them, in

keeping with the country's obligations as the State where the aircraft are registered and the territory where these incursions originate.

The United States authorities thus had advance knowledge of the 24 February violations of Cuban airspace and yet, in violation of the guarantees they had given to prevent them, allowed the pilots to fly that day, in the morning and again in the afternoon, with the tragic consequences that we all know about.

It was only after the 13 July 1995 incursion that a belated and unbelievably slow federal investigation was begun, its purpose being to prove what the authors of the incursions have themselves stated publicly and to verify the existence of violations which United States television channels have shown repeatedly.

This investigation led to an emergency order to cease and desist in March 1996 and to a further emergency order in May 1996 revoking the pilot's licence of the head of the so-called "Brothers to the Rescue" terrorist organization.

Although correct, these measures were insufficient and came too late to prevent the incidents. They also show that the United States was fully aware of these illegal actions and clearly recognizes that they violate international law, international civil aviation rules and regulations and the laws of the United States and Cuba.

At the time, by official document A/50/959-S/1996/370 of the General Assembly and the Security Council, the Government of the Republic of Cuba warned that the measures did not go far enough, in that they do nothing to prevent the illegal activities of the organization or of the other pilots belonging to it.

The clear recognition that these pilots acted carelessly and recklessly, placing at risk the lives and property of others, contrasts with the absence of timely measures similar to those taken or others which would have averted the 24 February 1996 incidents.

It is obvious that this long history of violations of Cuban territory has taken place in a climate of absolute impunity created by the blatant omission of the United States to fulfil its obligations, as State of registration and territory of origin, with regard to the purposes, principles and goals of civil aviation under the 1944 Chicago Convention.

A further, absolutely premeditated, violation of the territorial integrity and sovereignty of the Republic of Cuba has now been announced with full publicity, at the precise moment when ICAO is trying to arrive at fair conclusions through a report which we hope will be accurate and comprehensive in documenting the facts and impartial in its analysis. Such an outcome will be the result of strict observance of ICAO procedures, including annex 13 and its appendix to the 1944 Convention on International Civil Aviation laying down the requirements and rules for investigations conducted by ICAO, which must be based on calm and careful consideration of all the events, conditions and causes and on a balanced and rigorous appraisal of all the evidence which, in this case, Cuba submitted in full at the outset.

Unfortunately, the absence of similar diligence on the part of the United States and its withholding of and delay in turning over some evidence, without any explanation, have prolonged the investigation process and caused its consideration by the ICAO Council to be postponed twice.

We cannot ignore the fact that political pressures and sordid electoral interests are contaminating this issue, nor are we unaware of the heated electoral speeches and domestic policy manoeuvres that are taking place. All of these amount to cynical acts of political support for the aforesaid illegal activities or, at the least, make a decisive contribution to the climate of impunity in which these activities are taking place. Some commitments to these extremist groups and the encouragement which they have received from recent electoral shows in New Jersey, in which senior State Department officials participated, are well known, as are the ridiculous official ceremony, starring the Mayor of New York City, to christen the intersection where the Permanent Mission of Cuba to the United Nations is located as "Brothers to the Rescue Corner"; the public promotion of these actions; the presence, on the violating aircraft themselves, of journalists from United States television channels; and the crude marketing of photos and images of these illegal acts.

It is understandable that these people bitterly accuse the United States Government of pursuing a policy towards violations of Cuban territory that is, at the least, "inconsistent".

There is enough time and the legal instruments exist to avert and prevent the violations of Cuban airspace and territorial waters announced for 13 July.

ICAO has a major responsibility to take effective, timely action to ensure compliance with international law and with international civil aviation rules and regulations and to enforce, under the terms of the Chicago Convention, the legal obligations of the State of registration and origin of the aircraft.

Any consideration of this matter by ICAO or by the Security Council would be meaningless in this climate of impunity which increases the responsibility of those concerned and the possible consequences of their acts or omissions.

The Security Council has an obligation to avert and prevent further violations of the sovereignty and territorial integrity of the Republic of Cuba as the only way to avoid further dangerous incidents.

Until such time as violations of Cuban territory are fully and effectively outlawed and timely, adequate and comprehensive action is taken to prevent them, the United States will bear full responsibility for any consequences which may ensue.

In the meantime, the Security Council will have an important duty to perform.

New York, 18 June 1996